

CCS HCS SS SB 732 -- PUBLIC SAFETY

REPORTING OF DOMESTIC VIOLENCE INCIDENTS (Section 43.545, RSMo)

This bill requires the State Highway Patrol to include all reported incidents of domestic violence in its system of reporting for compilation in the annual crime report.

STATE EMERGENCY MANAGEMENT AGENCY VOLUNTEER PROGRAM (Section 44.023)

This bill also adds building officials and building inspectors employed by local governments, who are qualified by training and experience, who have been certified by the State Emergency Management Agency (SEMA), and who perform their duties under the direction of a licensed architect or engineer to the list of volunteers for the emergency volunteer program to be administered by SEMA in the event of a disaster. Volunteers may offer their services or equipment for up to five consecutive days for in-state deployments. Volunteers will help local jurisdictions determine whether affected structures may remain occupied, must be restricted in use, or must be unoccupied pending demolition. Such volunteers shall be immune from liability for any acts committed in the performance of their official duties unless such acts constituted willful misconduct or gross negligence.

Enrolled volunteers shall be provided workers' compensation insurance by SEMA during their official duties, and emergency volunteers who are certified by SEMA shall be considered employees of the state for purposes of the Emergency Mutual Aid Compact and shall be eligible for out-of-state deployments.

URBAN SEARCH AND RESCUE REIMBURSEMENT (Section 44.032)

This bill allows urban search and rescue task forces to be reimbursed from the Missouri Disaster Fund for any reasonable and necessary expenditures incurred while responding to any declared emergency.

UNARMED GUARDS WORKING ON OR NEAR GAMBLING BOATS (Section 84.720)

This bill also stipulates that any individual who holds an occupational license issued by the Missouri Gaming Commission for the purpose of performing the duties of an unarmed security guard while working on an excursion gambling boat, or at a facility adjacent to an excursion gambling boat, shall be exempt from certain licensing requirements.

LIBERTY AND NORTH KANSAS CITY SALES TAX FOR PUBLIC SAFETY (Section

94.902)

This bill further authorizes the cities of Liberty and North Kansas City to impose, upon voter approval, a sales tax of up to one half of one percent solely for the purpose of improving the public safety of the city, including expenditures on equipment, salaries and benefits, and facilities for police, fire, and emergency medical providers.

DISTRICT BOARD MEMBERS ELIGIBLE FOR EMPLOYMENT (Section 190.055)

This bill stipulates that individual district board members shall not be eligible for employment within 12 months of termination of service as a member of the board unless such employment is on a volunteer basis.

EMS ADVISORY COMMITTEES (Section 190.102)

This bill adds development, review, and recommendation for action to be taken on community and regional time-critical diagnosis plans to the list of items on which the regional EMS advisory committee must advise and make recommendations. The bill requires the regional EMS medical director to serve as a member of the regional EMS committee.

The EMS medical director must serve a term of four years. The southwest, northwest, and Kansas City regional EMS medical directors must be elected to an initial two-year term. The central, east central, and southeast regional EMS medical directors must be elected to an initial four-year term. All subsequent terms will be four years.

LIABILITY FOR EMTs TRANSPORTING OR RESTRAINING PATIENTS (Section 190.144)

This bill also prohibits any emergency medical technician licensed under Section 190.142 or 190.143 to be subject to liability if he or she acts in good faith and without gross negligence when transporting or physically or chemically restraining a patient. The Department of Health and Senior Services may refuse to issue or renew a certificate, permit, or license and file a complaint with the Administrative Hearing Commission if certain actions are violated.

DEPARTMENT OF HEALTH AND SENIOR SERVICES INVESTIGATIONS (Section 190.165)

If the department conducts investigations, the department, prior to interviewing a licensee who is the subject of the investigation,

must explain to the licensee that he or she has the right to consult legal counsel or have legal counsel present; have anyone present whom he or she deems necessary or desirable; and refuse to answer any question or refuse to provide or sign any written statement. If a licensee asserts any right herein listed, this shall not be considered by the department to be a failure to cooperate with a department investigation. Finally, the department may only impose a suspension or revocation as a disciplinary action only if it first files the requisite complaint with the Administrative Hearing Commission. The commission may not grant summary decisions in situations where the licensee files an answer contesting the department's intended action.

RECORDS PERTAINING TO APPLICANTS CONSIDERED CLOSED (Section 190.173)

Complaints, investigatory reports, and any information pertaining to any applicant or certificate, license, or permit holder shall be disclosed only upon written consent of the person whose records are involved.

LICENSED HOSPITALS AND NURSING HOMES POLICIES AND PROCEDURES (Section 190.240)

Additionally, this bill establishes that hospitals licensed under Chapter 198 must have policies and procedures regarding transportation of patients. Hospitals and nursing homes shall establish policies and procedures that require the hospital or facility to give advance notification to emergency medical services personnel prior to the transportation of any at-risk behavioral health patient.

Physicians treating an at-risk behavioral patient in an emergency situation who reasonably believe the patient may cause imminent serious harm to himself, herself, or others unless the patient is immediately transported to another appropriate facility may place the patient on a temporary involuntary hold for a period of time necessary to effectuate the patient's transport. During the transport, the EMS personnel may rely on the physician's hold order as a basis for implied consent to treat and transport the patient and the personnel will not be liable for any claims of negligence, false imprisonment, or invasion of privacy based on the temporary hold, treatment, or transport of the patient. The bill specifies that these provisions must not be construed to limit the patient's rights under the federal Mental Health Patient's Bill of Rights.

STROKE CENTER DESIGNATION (Section 190.241)

This bill changes the laws regarding stroke center designation for

hospitals by adding an alternative process for hospitals to obtain a stroke center designation. If a hospital applies for stroke center designation using the alternative process, the Department of Health and Senior Services must designate the hospital using specified guidelines.

The department is permitted to remove a hospital's designation as a stroke center if the hospital requests removal of the designation or the department determines that the certificate recognizing the hospital as a stroke center has been suspended or revoked. The bill requires the department to report to the certifying organization any complaint it receives related to the certification of a stroke center designated under these provisions and must also advise the complainant of which organization certified the stroke center and provide the necessary contact information should the complainant wish to pursue a complaint with the certifying organization. The bill specifies additional requirements for any hospital receiving designation as a stroke center under these provisions.

FIRST INFORMER BROADCASTERS' ACT (Section 190.260)

This bill requires the Department of Public Safety, in cooperation with any statewide organization representing broadcasters, to establish a program for training and certifying broadcast engineers and technical personnel as first informer broadcasters. The training will concern restoration, repair, and resupply of any broadcaster facilities and equipment in an area affected by emergency or disaster and first informer broadcasters' personal safety.

MEDICAL HELIPAD FENCES (Section 190.265)

Under this bill, any rules and regulations promulgated by the Department of Health and Senior Services, or any interpretation of such rules, shall not require hospitals to have a fence or other barriers around a hospital helipad. Additionally, the department shall not promulgate any rules and regulations with respect to the operation or construction of a helipad located at a hospital. Finally, hospitals shall ensure that helipads are free of obstruction and safe for use by a helicopter while on the ground, during approach, and takeoff.

MANDATED ELDER ABUSE REPORTING (Sections 192.2400 and 192.2475)

Currently, certain types of people must report to the Department of Health and Senior Services if the person has reasonable cause to suspect that a person 60 years of age or older or an eligible adult has been subject to abuse, bullying, or neglect. This bill adds

first responders to the list of mandated reporters. A provision regarding an investigation of abuse by an in-home services client manager and local area agency on aging training is repealed.

MEDICAL SERVICES REIMBURSEMENT (Sections 208.1030 and 208.1032)

The bill permits an eligible provider to receive MO HealthNet supplemental reimbursement to the extent provided by law in addition to the rate of payment that the provider would otherwise receive for Medicaid ground emergency medical transportation services. A provider must be eligible for Medicaid supplemental reimbursement if the provider meets specified characteristics during the state reporting period and an eligible provider's Medicaid supplemental reimbursement must be calculated and paid as specified in the bill. An eligible provider, as a condition of receiving supplemental reimbursement, must enter into and maintain an agreement with the designee of the Department of Social Services for the purposes of implementing the provisions of the bill and reimbursing the department for the costs of administering these provisions. The non-federal share of the supplemental reimbursement submitted to the Centers for Medicare and Medicaid Services for purposes of claiming federal financial participation must be paid and certified as specified in the bill.

The bill delineates the process for when an applicable governmental entity elects to seek supplemental reimbursement on behalf of an eligible provider owned or operated by, or contracted with the entity.

The bill authorizes the department to seek any necessary federal approvals for the implementation of the provisions of the bill and permits the department to limit the program to those costs that are allowable expenditures under Title XIX of the Social Security Act.

The bill authorizes the department to design and implement in consultation and coordination with eligible providers an intergovernmental transfer program relating to ground emergency medical transport services, including specified services, in order to increase capitation payments for the purpose of increasing reimbursement to eligible providers. A provider is eligible for increased reimbursement under this section only if the provider meets certain conditions in an applicable state fiscal year. To the extent intergovernmental transfers are voluntarily made by and accepted from an eligible provider or a governmental entity affiliated with an eligible provider, the department must make increased capitation payments as specified in the bill to applicable MO HealthNet managed care plans and coordinated care organizations for covered ground emergency medical transportation services.

The intergovernmental transfer program must be implemented on the date federal approval is obtained, and only to the extent intergovernmental transfers from the eligible provider, or the governmental entity with which it is affiliated, are provided for this purpose. The department must implement the intergovernmental transfer program and increased capitation payments on a retroactive basis as permitted by federal law. Participation in the intergovernmental transfers is voluntary on the part of the transferring entities for purposes of all applicable federal laws.

The bill specifies conditions of participation for MO HealthNet managed care plans, coordinated care organizations, eligible providers, and governmental entities affiliated with eligible providers. The provisions of the bill must be implemented only if and to the extent federal financial participation is available and is not otherwise jeopardized, and any necessary federal approvals have been obtained. To the extent that the director of the department determines that the payments made under the provisions of the bill do not comply with federal Medicaid requirements, the director retains the discretion to return or not accept an intergovernmental transfer, and may adjust payments as necessary to comply with federal Medicaid requirements.

VOLUNTEER FIRE PROTECTION ASSOCIATION GRANTS (Section 287.245)

This bill permits volunteer fire protection associations to apply to the State Fire Marshal grants for the purpose of funding the Workers' Compensation Insurance premiums for the association's volunteer firefighters. Grants shall be disbursed by the marshal, subject to appropriations, based upon the number of volunteer firefighters which received workers' compensation benefits from claims arising out of and in the course of the prevention or control of fire or the underwater recovery of drowning victims in the preceding calendar year.

MOVE OVER LAW (Sections 304.022 and 307.175)

This bill adds stationary public utility vehicles displaying lighted amber or amber and white lights and any other stationary vehicle located on the side of the roadway to the list of vehicles for which drivers of every motor vehicle must move over or slow down. This bill further adds vehicles and equipment owned by contractors that are performing work for the Department of Transportation that are stationary in a work zone when highway workers are present to the list of vehicles that are permitted to use amber or amber and white lights.

FIRE PROTECTION DISTRICT DIRECTORS (Sections 321.130 and 321.210)

This bill provides that a person who is qualified to serve as director of a fire protection district must be over the age of 24 and must be a resident and voter in the district for at least one year before election or appointment. Fees for filing nominations and declarations of candidacy shall be equal to the amount paid by a candidate for county office.

MOBILE VIDEO RECORDINGS (Section 610.100)

This bill requires a mobile video recording that is recorded in a nonpublic location to be closed, except that any person who is depicted in the recording or whose voice is in the recording, or his or her agent as specified in the bill, may obtain a complete, unaltered, and unedited copy of the recording upon written request.

Mobile video recordings are considered closed records until any related investigation becomes inactive, except that a legal guardian or parent of a minor child depicted in a mobile video recording or whose voice is in the recording may obtain records for purposes of investigating any civil claim or defense, and such person may obtain a complete, unaltered and unedited incident report related to the mobile video recording.

Any person may bring action in the circuit court that has jurisdiction to authorize disclosure of a mobile video recording, and the court may order that all or part of a mobile video recording be released to the person bringing the action. The bill specifies various factors the court is to consider when determining whether a mobile video recording shall be disclosed.

Any person who requests and receives a mobile video recording that was recorded in a nonpublic location is prohibited from displaying or disclosing the recording, including any description or account of any or all of the recording, without first giving direct notice to any person not affiliated with a law enforcement agency whose image or sound is contained in the recording. Upon receiving notice, each person who appears in the recording has 10 days to file and serve an action seeking an order from a court with jurisdiction to prohibit all or some of the intended display, disclosure, description, or account of the recording. Any person who fails to comply will be subject to damages in a civil actions proceeding.

CRIME SCENE EVIDENCE (Section 610.205)

This bill specifies that crime scene photographs and video recordings, including photographs and video recordings created or produced by a state or local agency or by a perpetrator or suspect

at a crime scene, which depict or describe a deceased person in a state of dismemberment, decapitation, or similar mutilation including where the deceased person's genitalia are exposed, are considered closed records and not to be subject to disclosure under open records laws. Such material may be disclosed to the decedent's next-of-kin or to an individual who has secured a written release from the next-of-kin. It is the responsibility of the next-of-kin to show proof of the familial relationship.

The bill authorizes a circuit court judge to order the disclosure of such photographs or video records in closed criminal investigations upon findings in writing that disclosure is in the public interest and outweighs any privacy interest that may be asserted by the deceased person's next-of-kin. In making such determination, the court must consider whether disclosure is necessary for public evaluation of governmental performance, the seriousness of the intrusion into the family's right to privacy, and whether disclosure is the least intrusive means available considering the availability of similar information in other public records. In any such action, the court is required to review the photographs or video recordings in question in camera with the custodian of the crime scene materials present and may condition any disclosure on any conditions the court deems necessary to accommodate the interests of the parties.

Prior to releasing any crime scene material, the custodian of the material must give the deceased person's next-of-kin at least two weeks' notice and the court is prohibited from ordering a disclosure which would disregard or shorten the duration of this notice requirement. These provisions apply to all undisclosed material which is in the custody of a state or local agency on the effective date of this section and to any such material which comes into the custody of a state or local agency after such date.

These provisions do not apply to disclosure of crime scene material to counsel representing a convicted defendant in a habeas corpus action, on a motion for new trial, or in a federal habeas corpus action under 28 U.S.C. Section 2254 or 2255 for the purpose of preparing to file or litigating such proceedings. Counsel may disclose these materials to his or her client and any expert or investigator assisting counsel but is prohibited from otherwise disseminating these materials, except to the extent they may be necessary exhibits in court proceedings.

A request for disclosure must clearly state that the request is being made for the purpose of preparing to file and litigate proceedings enumerated in these provisions.